

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

UNITED STATES OF AMERICA)	
)	
v.)	NO. 3:02-00097
)	JUDGE CAMPBELL
AMILCAR BUTLER)	

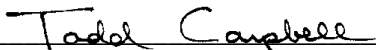
ORDER

Pending before the Court is Butler's Petition For A 30 Day Extension To Reply To The United States Late-Filed Responses [D.E. 216&217] (Docket No. 233). Through an Order (Docket No. 229) entered on May 1, 2013, the Court granted the Defendant's first request for an extension of time to file a reply. The Court indicated that it would consider the reply as a request for reconsideration of the Court's Order entered on April 11, 2013 (Docket No. 225) denying the Defendant's Petition For Return of Seized Property (Docket No. 195). After the Court entered that Order, the Defendant's Notice Of Appeal (Docket No. 231) of the April 11, 2013 (Docket No. 225) Order was entered on the docket. Consequently, the Order for which the Defendant seeks reconsideration is the subject of Defendant's appeal, and the appeal is currently pending before the Sixth Circuit.

The Sixth Circuit has explained that "[a]s a general rule, a district court no longer has jurisdiction over an action as soon as a party files a notice of appeal, and at that point the appellate court assumes jurisdiction over the matter." Pittock v. Otis Elevator Co., 8 F.3d 325, 327 (6th Cir. 1993)(citing Lewis v. Alexander, 987 F.2d 392, 394 (6th Cir.1993)); Linder v. Sundquist, 62 Fed. Appx. 627 (6th Cir. May 6, 2003). The court noted that there are exceptions

to the general rule: “the district court retains jurisdiction when the appeal is untimely, presents issues that the appellate court had previously decided in the same case, or is from a non-final, non-appealable order.” Id. None of these exceptions apply in this case. Thus, this Court is without jurisdiction to rule on Defendant’s request to reconsider, and the Petition seeking an extension of time to file such a request is DENIED.

It is so ORDERED.



TODD J. CAMPBELL
UNITED STATES DISTRICT JUDGE